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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. GARRETT SIDNEY WADDA, Defendant.	CR 14-27-BLG-SPW OFFER OF PROOF
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The United States of America, represented by Lori Harper Suek, Assistant United States Attorney for the District of Montana, files its offer of proof.

THE CHARGE

The defendant, Garrett Sidney Wadda, is charged by superseding information with accessory after the fact, in violation of 18 U.S.C. § 3.

PLEA AGREEMENT

The defendant will plead guilty to the superseding information. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye* __U.S.__, 132 S. Ct. 1399 (2012).

ELEMENTS OF THE CHARGE TO WHICH HE WILL PLEAD

In order for the defendant to be found guilty of the charge of accessory after the fact as charged in the superseding information, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knew that Eugenia Ann Rowland, an Indian person, had unlawfully killed Hanna Harris in Indian country; and

Second, the defendant assisted Eugenia Ann Rowland with the intent to hinder or prevent Rowland's apprehension, trial, or punishment.

PENALTY

This offense carries a maximum punishment of 15 years imprisonment, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Restitution is mandatory.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On the night of July 3, 2013, and into the early morning hours of July 4, 2013, the victim, Hanna Harris, was in the company of Wadda and Rowland, who were common-law husband and wife at the time. Harris was last seen alive at approximately 1:30 a.m., in the early morning hours of July 4th, captured on video surveillance camera footage at the Cheyenne Depot, a convenience store in Lame Deer. Harris can be seen in the video getting into her car and driving away. Rowland is captured on video getting into the front passenger seat of the car. Investigators learned that Wadda was in the car, in the back seat, by himself.

Relatives of Harris were babysitting her baby on the night of July 3rd and July 4th. Harris was still breast feeding and, when she failed to come home on July 4th, her relatives reported her missing to local BIA law enforcement. The case was initially treated as a missing person investigation.

Wadda and Rowland were interviewed multiple times by BIA law enforcement between July 4th and July 7th. Summarizing those interviews, Wadda and Rowland told investigators that they were drinking and partying with Harris on the night of July 3rd. They attended a fireworks display and street

dance together, and then all three went to the Jimtown bar. Wadda purchased alcohol and all three left together. Video camera surveillance footage shows all three at the Jimtown bar. They then drove to the Cheyenne Depot and then to Ethylene Jefferson's property, on Muddy Creek road, outside of Lame Deer, on the Northern Cheyenne Indian Reservation. Jefferson is Wadda's aunt.

Wadda's and Rowland's accounts of what happened that night while they were at the Jefferson property changed throughout a series of interviews, but both insisted that they did not know what, if anything happened to Harris after they went to bed in one of the trailers during the early morning hours of July 4th.

Wadda claimed that he did not know how Harris died, but he remained steadfast in denying responsibility for her death. He has admitted that he, Rowland, and Harris were the only people at the Jefferson property that night.

On the morning of July 8, 2013, during a search of Jefferson's property, Harris' Nike tennis shoe was found under a trailer on the property, and a sash that Harris was wearing at the street dance on July 3rd was also found on the property.

On the night of July 8, 2013, Harris' body was found near the Lame Deer rodeo grounds. Her body was positioned face down with her buttocks slightly elevated and her arms stretched out in front of her. Her pants were unzipped and unbuttoned and her pants and underwear were pushed down near her knees. Her

shirt and bra were pushed up exposing her breasts. The body was badly decomposed and maggot-ridden. Given the advanced stage of decomposition, no cause of death could be determined although positional asphyxia could not be ruled out as a possible cause of death. A sexual assault examination was performed at the autopsy, but there were no results again due to the decomposition.

Wadda later admitted that he used Rowland's son's car, on the evening of July 4, 2013, to move the body to the rodeo grounds. Harris' DNA was found on the rear seat cushion of the car. The United States expects that he will admit, at the change of plea hearing, that Rowland is responsible for the death of Harris although he does not know how she killed Harris. He will admit that he lied to investigators and moved the body to protect his wife. He will admit that by moving the body, he destroyed evidence and hindered the investigation and the prosecution of Rowland.

Wadda is an enrolled member of the Eastern Shoshone Tribe in Wyoming, a federally recognized tribe.

DATED this 30th day of October, 2014

MICHAEL W. COTTER
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney